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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-102

**MIA SUSAN BELCHER
a.k.a. MIA BELCHER
370 Oakley Drive #816
Nashville, TN 37211**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 636444

RESPONDENT

FINDINGS OF FACT

1. On or about August 8, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-102 against Mia Susan Belcher, aka Mia Belcher (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about April 22, 2004, the Board of Registered Nursing (Board) issued Registered Nurse License No. 636444 to Respondent. The Registered Nurse License expired on October 31, 2005 and has not been renewed.

3. On or about August 8, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-102, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

370 Oakley Drive #816

Nashville, TN 37211.

4. Service of the Accusation was effective as a matter of law under the provisions of

1 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
2 124.

3 5. On or about September 27, 2012, the Certified Mail documents were returned and
4 marked by the U.S. Postal Service, "Unclaimed." The address on the documents was the same as
5 the address on file with the Board. Respondent failed to maintain an updated address with the
6 Board and the Board has made attempts to serve the Respondent at the address on file.
7 Respondent has not made herself available for service and therefore, has not availed herself of her
8 right to file a notice of defense and appear at hearing.

9 6. Business and Professions Code section 2764 states:

10 The lapsing or suspension of a license by operation of law or by order or decision of
11 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
12 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
13 against such license, or to render a decision suspending or revoking such license.

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
17 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
18 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

19 8. Respondent failed to file a Notice of Defense within 15 days after service of the
20 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
21 2013-102.

22 9. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
24 agency may take action based upon the respondent's express admissions or upon other evidence
25 and affidavits may be used as evidence without any notice to respondent.

26 10. Pursuant to its authority under Government Code section 11520, the Board after
27 having reviewed the proof of service dated August 8, 2012, signed by Kami Pratab, and the
28 returned envelope finds Respondent is in default. The Board will take action without further

1 hearing and, based on Accusation No. 2013-102 and the documents contained in Default Decision
2 Investigatory Evidence Packet in this matter which includes:

3 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-102,
4 Statement to Respondent, Notice of Defense (two blank copies), Request
5 for Discovery and Discovery Statutes (Government Code sections
6 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
7 receipt or copy of returned mail envelopes;

8 Exhibit 2: License History Certification for Mia Susan Belcher, aka Mia Belcher
9 Registered Nurse License No. 636444;

10 Exhibit 3: Out of State Discipline (Indiana and Kentucky Board of Nursing);

11 Exhibit 4: Affidavit of Affidavit of Kami Pratab;

12 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
13 Case No. 2013-102.

14 The Board finds that the charges and allegations in Accusation No. 2013-102 are separately and
15 severally true and correct by clear and convincing evidence.

16 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
17 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
18 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
19 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
20 \$1,472.50 as of October 31, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Mia Susan Belcher, aka Mia Belcher has subjected her following license(s) to discipline:

a. Registered Nurse License No. 636444

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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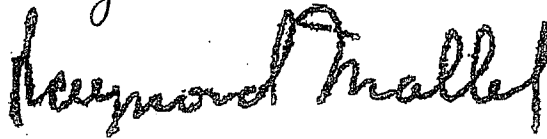
ORDER

IT IS SO ORDERED that Registered Nurse License No. 636444, heretofore issued to Respondent Mia Susan Belcher, aka Mia Belcher is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 15, 2013.

It is so ORDERED January 16, 2013



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2013-102

Exhibit A

Accusation No. 2013-102

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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Attorneys for Complainant

7
8 LYDIA ZANE, Senior Legal Analyst
Telephone: (415) 703-5573
9 Facsimile: (415) 703-5480

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-102**

13 **MIA SUSAN BELCHER**
14 **a.k.a. MIA BELCHER**
15 **370 Oakley Drive # 816**
Nashville, TN 37211

A C C U S A T I O N

16 **Registered Nurse License No. 636444**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about April 22, 2004, the Board of Registered Nursing issued Registered Nurse
25 License Number 636444 to Mia Susan Belcher, a.k.a. Mia Belcher (Respondent). The Registered
26 Nurse License expired on October 31, 2005, and has not been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
4 that the Board may discipline any licensee, including a licensee holding a temporary or an
5 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
6 Nursing Practice Act.

7 5. Section 2764 of the Code provides that the expiration of a license shall not deprive
8 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
9 render a decision imposing discipline on the license.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 COST RECOVERY

22 7. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 8. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), in that on or about November 21, 2005, pursuant to Agreed Order, Case No. 2005-503,
6 before the Kentucky Board of Nursing, Respondent voluntarily surrendered her license to practice
7 nursing in the Commonwealth of Kentucky based on diluted and positive drug screen results.

8 SECOND CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct - Out of State Discipline)
10 (Bus. & Prof. Section 2761, subd. (a)(4))

11 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
12 (a)(4), in that on or about February 19, 2007, the Indiana State Board of Nursing (Indiana Board)
13 made findings of facts and issued an Order placing Respondent's nursing license on indefinite
14 suspension. The circumstances underlying the Indiana Board's discipline are as follows:

15 10. On or about August 31, 2006, in *State of Indiana v. Mia Susan Belcher, R.N., License*
16 *Number 28163749*, administrative Cause No. 2006NB0109 was filed with the Indiana Board
17 against Respondent alleging that Respondent engaged in material deception, repeated instances of
18 diversion of and dependence on controlled substances with multiple instances of relapse.
19 Respondent failed to be present at the administrative proceeding regarding the allegations of the
20 administrative complaint and failed to appeal the Board's Ultimate Findings of Fact and
21 subsequent Order.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 636444, issued to Mia
26 Susan Belcher, a.k.a. Mia Belcher;

27 2. Ordering Mia Susan Belcher, a.k.a. Mia Belcher, to pay the Board of Registered
28 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2012 *Louise Bailey*
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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